

GINA M. ROCCANOVA (SBN 201594)
YUKI CRUSE (SBN 310073)
JACKSON LEWIS P.C.
50 California Street, 9th Floor
San Francisco, California 94111-4615
Telephone (415) 394-9400
Facsimile: (415) 394.9401
E-mail: Gina.Roccanova@jacksonlewis.com
E-mail: Yuki.Cruse@jacksonlewis.com

BARBARA J. PARKER (SBN 69722)
CITY ATTORNEY
RYAN G. RICHARDSON (SBN 223548)
OAKLAND CITY ATTORNEY
1 Frank H. Ogawa Plaza
Oakland, CA 94612
Telephone: (510) 238-3601
Facsimile: (510) 238-6500
E-mail: bjparker@oaklandcityattorney.org

Attorneys for Respondents
CITY OF OAKLAND and POLICE COMMISSION
OF THE CITY OF OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCISCO NEGRETE, WILLIAM
BERGER, BRANDON HRAIZ, CRAIG
TANAKA, JOSEF PHILLIPS;

Petitioners,

v.

CITY OF OAKLAND; POLICE
COMMISSION OF THE CITY OF
OAKLAND; DOES 1 Through 10,
INCLUSIVE,

Respondents.

Case No.: 3:19-cv-05742-LB

**RESPONDENT CITY OF OAKLAND'S
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED**

Complaint Filed:	August 12, 2019
Complaint Served:	August 13, 2019
Removal Filed:	September 12, 2019
Trial Date:	None set

**TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF CALIFORNIA:**

Pursuant to Civil L.R. 3-12 and 7-11, City of Oakland ("City"), Respondent in *Negrete et al. v. City of Oakland et al.*, Case No. 3:19-cv-05742-LB ("*Negrete*"), files this administrative

1 motion asking the Court to consider whether *Negrete* should be related to the earlier-filed case
 2 *Allen, et al. v. City of Oakland et al.*, Case No. 3:00-cv-04599-WHO (“*Allen*”), which are both
 3 currently pending before the United States District Court for the Northern District of California.

4 The cases appear related because they both concern the scope, authority, and
 5 interpretation of an Order issued by United States District Court Judge Thelton E. Henderson,
 6 requiring the City to appoint a Compliance Director and enumerating certain specific duties of
 7 that position as it pertains to the Oakland Police Department.

8 Both cases are against the City of Oakland. Moreover, the Petitioner peace officers in the
 9 *Negrete* case as well as the Defendant peace officers in the *Allen* case are represented by the
 10 Oakland Police Officers’ Association (“OPOA”). The OPOA is currently an intervenor in the
 11 *Allen* case. The peace officers and the OPOA have a shared interest in a court decision
 12 interpreting the Order in a way that furthers their legal interests.

13 A decision interpreting the Order and the extent of its authority and scope in one case
 14 will undoubtedly impact the outcome of the other. Accordingly, to avoid possibility of
 15 conflicting obligations and to promote efficiency we believe these cases should be related.

16 In furtherance of this Motion, and in compliance with Civil L.R. 7-11, Respondents
 17 attempted to obtain a stipulation from Petitioners’ counsel in the *Negrete* action agreeing that
 18 *Negrete* should be deemed related to *Allen*; however, opposing counsel did not agree to the
 19 stipulation. *See* Yuki Cruse’s Declaration and Proposed Order Relating Cases, filed herewith.

20 For all the foregoing reasons, Respondents respectfully request that this Court enter an
 21 order relating the *Negrete* and *Allen* actions.

22 Dated: September 20, 2019

JACKSON LEWIS P.C.

24 By: /s/ Gina M. Roccanova

25 Gina M. Roccanova
 26 Attorneys for Respondents
 27 CITY OF OAKLAND and POLICE
 28 COMMISSION OF THE CITY OF
 OAKLAND